

RECEIVED

NOV - 5 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL  
FILE

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

IN THE MATTER OF

REVISIONS OF PART 22 OF THE COMMISSION'S RULES  
GOVERNING THE PUBLIC MOBILE SERVICES

)  
)  
) CC DOCKET No. 92-115  
)  
)

Reply Comments  
of the  
Cellular Telecommunications Industry Association

1. The Cellular Telecommunications Industry Association ("CTIA") submits these brief reply comments in response to three issues raised in the initial comments. The first issue we address is Telocator's proposal that amnesty should be offered to existing licensees to correct records at the Commission. Comments of Telocator, CC Docket No. 92-115, filed October 5, 1992, at 13. We agree with Telocator that extending amnesty to licensees who voluntarily correct mistakes in their authorizations or Commission filings is in the public interest since providing an incentive to correct the Commission's records will contribute to the efficient operation of the licensing process and the quality of the service provided to the public. It is not clear from Telocator's comments, however, whether its amnesty proposal was raised in connection with just paging alone or for both paging and cellular licensees. CTIA believes that affording amnesty to cellular licensees would afford the same benefits. Inasmuch as licensee

No. of Copies rec'd  
List A B C D E

2+9

amnesty will facilitate the correction of Commission records, offering it to cellular as well as paging licensees is clearly in the public interest.

2. Applicants Against Lottery Abuses ("AALA") argue that the Commission should not adopt blanket limits on payments for the withdrawal of petitions to deny or the dismissal of applications. Comments of the AALA, CC Docket No. 92-115, filed October 5, 1992, at 5. CTIA continues to support the adoption of proposed rule section 22.129, limiting payments to parties for withdrawing petitions to deny and mutually exclusive applications. AALA opposes this limitation arguing that it "removes the incentive for private parties to undertake the necessary and often substantial task of assisting the Commission in policing lottery abuses." AALA Comments at iii. This argument does not reflect reality. Over the past several years, the ability to profit through the filing of spurious applications and petitions has provided no significant benefit to the Commission or the public. AALA's suggested alternative of taking each settlement on a case by case basis would leave the former rule in place and do nothing to discourage nuisance filings. Moreover, such an approach is much too costly and inefficient given the Commission's other obligations and its current budget limitations on staffing. For these reasons AALA's opposition to the proposed limitation should be rejected.

3. The third and final issue is the opposition by the United States Telephone Association ("USTA") to eliminating the restriction that limits fixed cellular service to Basic Exchange Telephone Radio Service ("BETRS"). Comments of USTA, CC Docket No. 92-115, filed October 5, 1992, at 6. USTA argues that by removing the restriction the Commission has blurred the distinction between mobile radio and local exchange services. It contends that by eliminating the need for a waiver for non-BETRS technology, the Commission has precluded its

own ability and that of the states to monitor those carriers electing to offer fixed services through cellular frequencies. It argues that such an action is an abdication of the Commission's responsibility to assess spectrum usage and competitive market impacts as well as an infringement upon state authority.

4. There are a number of reasons USTA's opposition should be rejected. First, USTA's position would inhibit the efficient use of scarce spectrum by restricting the spectrum's use without regard to the public's needs and the demands of the market place. The Commission would be irresponsible if it allocated spectrum and then restricted licensees from responding to market driven needs and practical efficiencies. Second, the blurring distinction between mobile radio services and local exchange services that USTA complains of is occurring because technology is evolving so rapidly, not because of the proposed change in the Commission's rules. USTA apparently would prefer to freeze progress and sacrifice efficiency to preserve the status quo. The proposed rule does nothing to redefine local exchange or mobile radio service, the rule merely allows cellular carriers to provide service to the public in the most efficient manner possible.

5. Finally, every one of USTA's arguments support the elimination of fixed service on cellular frequencies in any form, even through BETRS. The Commission, however, has found BETRS to serve the public interest, and in authorizing the use of BETRS operations, explicitly recognized that any form of fixed or mobile service operation on cellular frequencies would be acceptable as long as they were offered in conformance with the conventional cellular technical standards. Amendment of Parts 2 and 22 of the Commission's Rules to Permit Liberalization of Technology and Auxiliary Service Offerings in the Domestic Public Cellular Radio

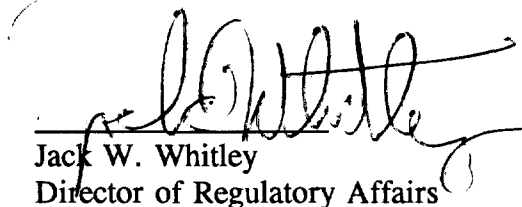
Telecommunications Service, 5 FCC Rcd 1138, 1139 (1990). USTA now apparently seeks to revisit that conclusion. The instant proceeding, however, is not the appropriate mechanism for such a reconsideration. Consequently, for all these reasons, the Commission should adopt the new rule as proposed.

Respectfully Submitted,

Cellular Telecommunications  
Industry Association



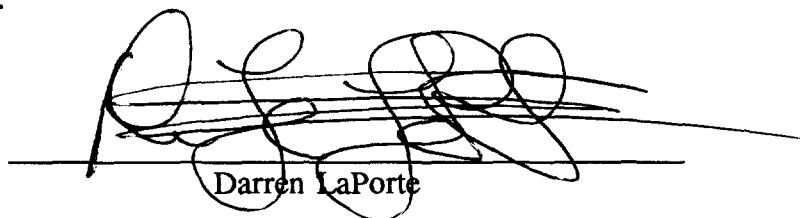
Michael Altschul  
General Counsel



Jack W. Whitley  
Director of Regulatory Affairs

November 5, 1992  
1133 21st Street, N.W.  
Suite 300  
Washington, D.C. 20036

I, Darren LaPorte, with the Cellular Telecommunications Industry Association, do hereby certify that on this 5th day of November, 1992 a copy of the foregoing "Reply Comments" was sent to each of the following by first-class mail.



Darren LaPorte

James D. Ellis  
William J. Free  
Southwestern Bell Corporation  
One Bell Center, Room 3524  
St. Louis, MO 63101-3099

Dr. George L. Schrenk  
COMP COMM  
900 Haddon Avenue, 4th Floor  
Collingswood, NJ 08108

Edward R. Wholl  
Stephen B. Wiznitzer  
NYNEX  
2000 Corporate Drive  
Orangeburg, NY 10962

Gerald S. McGowan  
Marjorie Giller Spivak  
Lukas, McGowan, Nace & Gutierrez  
1819 H Street, NW, 7th Floor  
Washington, D.C. 20006

Richard S. Rodin  
Karis A. Hastings  
Hogan and Hartson  
555 13th Street, NW  
Washington, D.C. 20004

Carl W. Northrop  
Bryan Cave  
700 13th Street, NW, Ste 700  
Washington, DC 20005

Judith St. Ledger-Roty  
Marnie K. Sarver  
Reed, Smith, Shaw & McClay  
1200 18th Street, NW  
Washington, D.C. 20036

Jack Whitley  
CTIA  
1133 21st Street, N.W., Third Floor  
Washington, D.C. 20036

Eliot Greenwald  
Scott R. Flick  
Fisher, Wayland, Cooper & Leader  
1255 23rd St, NW, Ste 800  
Washington, D.C. 20037

Daniel L. Bart  
OTE Corporation  
1850 M Street, NW, Ste 1200  
Washington, D.C. 20036

Richard L. Biby  
Communications Engineering Services  
P.C.  
6105-G Arlington Boulevard  
Falls Church, VA 22044

Mark Hamilton  
Cathleen A. Massey  
McCaw Cellular Communications  
1250 Connecticut Ave, NW, Ste 401  
Washington, D.C. 20036

Steve Dussek  
David Aas  
McCaw Cellular Communications  
Paging Division  
12112 115th Avenue, N.E.  
Kirkland, WA 98034

Robert M. Jackson  
Blooston, Mordkofsky, Jackson &  
Dickens  
2120 L Street, NW, Ste 300  
Washington, D.C. 20037

Leon T. Knauer  
Kathryn A. Zachem  
Wilkinson, Barker, Knauer & Quinn  
1735 New York Ave, NW  
Washington, D.C. 20006

William F. Franklin  
Pepper & Corazzini  
1776 K Street, N.W.  
200 Montgomery Building  
Washington, D.C. 20006

Thomas P. Kerester  
Chief Counsel  
Office of Advocacy  
U.S. Small Business Administration  
409 3rd Street, S.W.  
Washington, D.C. 20416

Michael W. Mowery  
PacTel Cellular  
2999 Oak Road, MS 800  
Walnut Creek, CA 94596

Richard C. Nelson  
Director-Regulatory  
PacTel Corporation  
2999 Oak Road, MS 1050  
Walnut Creek, CA 94596

James P. Tuthill  
Lucille M. Mates  
Pacific Bell/Nevada Bell  
140 New Montgomery Street, Room 1526  
San Francisco, CA 94105

James L. Wurtz  
Pacific Bell/Nevada Bell  
1275 Pennsylvania Ave, NW  
Washington, D.C. 20004

R. Michael Senkowski  
David Hilliard  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

Thomas J. Casey  
Jay L. Birnbaum  
Skadden, Arps, Slate, Meagher and Flom  
1440 New York Ave, N.W.  
Washington, D.C. 20005

Thomas Gutierrez  
J. Justin McClure  
Lukas, McGowan, Nace and Gutierrez  
1819 H Street, N.W., 7th Floor  
Washington, D.C. 20006

John T. Scott III  
Linda K. Smith  
Crowell and Moring  
1001 Pennsylvania Ave, NW  
Washington, D.C. 20004

S. Mark Tuller  
Vice President and General Counsel  
Bell Atlantic Mobile Systems  
180 Washington Valley Road  
Bedminster, NJ 07921

Kevin C. Gallagher  
Vice President-Legal/External Affairs  
Centel Cellular Company  
8725 West Higgins Road, Ste 330  
Chicago, IL 60631

Frederick M. Joyce  
Christine McLaughlin  
Joyce and Jacobs  
2300 M St, NW, 8th Floor  
Washington, D.C. 20037

Martin T. McCue  
General Counsel  
USTA  
900 19th Street, NW, Ste 800  
Washington, D.C. 20006



Louise Cybulski  
Pepper & Corazzini  
776 K Street, NW  
200 Montgomery Building  
Washington, D.C. 20006

Louis R. du Treil  
du Treil, Lundin & Rackley  
1019 19th St, N.W., 3rd Floor  
Washington, D.C. 20036

Richard C. Rowlenon  
Sr. Vice President & General Counsel  
Vanguard Cellular Systems  
2002 Pisgah Church Rd, Ste. 300  
Greensboro, NC 27408

William Barfield  
Dave G. Richards  
BellSouth Corporation  
1155 Peachtree St, NE, Ste 1800  
Atlanta, GA 30367-6000

Tom W. Davidson  
Paul S. Pien  
Akin, Gump, Hauer & Feld  
1333 New Hampshire Ave, NW, Ste 400  
Washington, D.C. 20036

Carolyn C. Hill  
Federal Regulatory Counsel  
ALLTEL Service Corp.  
1710 Rhode Island Ave, NW Ste 1000  
Washington, D.C. 20036

James F. Rogers  
Roaymond B. Growchowski  
Latham & Watkins  
1001 Pennsylvania Ave, NW, Ste 1300  
Washington, D.C. 20004

Harold Mordkofsky  
John A. Prendergast  
Blooston, Mordkofsky, Jackson & Dickens  
2120 L Street, NW, Ste 300  
Washington, DC 20037

Rodney L. Joyce  
Ann Bavender  
Ginsburg, Feldman & Bress  
1250 Connecticut Ave, NW  
Washington, D.C. 20036

Jack Taylor  
International Mobile Machines Corp.  
6116 Brassie Way  
Redding, CA 96003